

Notice of Allowability

Application No.

10/063,123

Examiner

Susanna M. Diaz

Applicant(s)

DEMAGGIO, JAMES

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3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Examiner's amendment agreed to on June 25, 2007.
2. ☒ The allowed claim(s) is/are 1-8 and 10-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Susanna M. Diaz
SUSANNA M. DIAZ
PRIMARY EXAMINER

AU 3694

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Benjamin Stasa (Reg. No. 55,644) on June 25, 2007.

The application has been amended as follows:

Please cancel claims 9 and 21-51.

Please amend claims 1 and 20 as follows:

Claim 1, line 5, after "plant shipment time", insert – including receiving data indicative of a weather condition –

Please replace all of claim 20 with the following language:

Claim 20. A system for transporting goods comprising:

one or more controllers configured to

determine that a first set of goods, located at a first supplier, and a second set of goods, located at a second supplier, are desired at a plant during a plant time range,

estimate a plant shipment time including receiving data indicative of a weather condition, said plant shipment time comprising a minimum and maximum time of travel between a cross dock location and the plant,

estimate a first cross dock shipment time, said first cross dock shipment time comprising a minimum and maximum time of travel between said first supplier and said cross dock location,

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estimate a second cross dock shipment time, said second cross dock shipment time comprising a minimum and maximum time of travel between said second supplier and said cross dock location,

determine a first scheduled pickup time range based on said plant time range, said estimation of said plant shipment time, and said estimation of said first cross dock shipment time, and

determine a second scheduled pickup time range based on said plant time range, said estimation of said plant shipment time, and said estimation of said second cross dock shipment time; and

one or more mobile units configured to

pick up said first set of goods from said first supplier during said first scheduled pickup time range,

deliver said first set of goods to said cross dock location,

pick up said second set of goods from said second supplier during said second scheduled pickup time range,

deliver said second set of goods to said cross dock location, and

deliver a combination of goods to said plant during said plant time range, said combination of goods comprising said first set of goods and said second set of goods.

Reasons for Allowance

2. Claims 1-8 and 10-20 are allowed.

3. The following is an examiner's statement of reasons for allowance:

As discussed in the previously pending art rejection, the Kondo (US 2003/0178481)-Braun (U.S. Patent No. 6,341,266) combination addresses a system and method for transporting goods from various suppliers to a plant via a cross dock

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location. In this combination, delivery is scheduled such that the goods are delivered on or before the plant's need-by time (which implies that deliveries are made being the time of delivery request and the need-by time); however, the Kondo-Braun combination does not expressly take into account a minimum and maximum time of travel between a cross dock location and the plant, a first supplier and cross dock location, and a second supplier and cross dock location. The Kondo-Braun combination does not expressly disclose the use of a weather condition in estimating a plant shipment time either.

Martin (U.S. Patent No. 5,809,479), however, allows a customer to specify both early and late delivery limits for a shipment. Jones (US 2002/0103726) discusses the importance of delivering goods to a manufacturing facility just before they are needed in order to defray warehousing costs. Mukhopadhyay ("Optimal Scheduling of Just-in-Time Purchase Deliveries") also discusses the importance of delivering manufacturing parts right before they are needed in a just-in-time environment, thereby suggesting an optimal window of time for delivery. Anderson (US 2002/0082771) and Brockwell (U.S. Patent No. 5,063,506) discuss how weather can affect traffic and travel times.

Brockwell specifically addresses weather's effect on the ability to make deliveries in a just-in-time environment. While all of the claim limitations are individually taught by the prior art, the Examiner submits that it would not have been obvious to one of ordinary skill in the art at the time of Applicant's invention to combine all of these references to yield the claimed invention as a whole; therefore, claims 1-8 and 10-20 are deemed to be allowable over the prior art of record.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

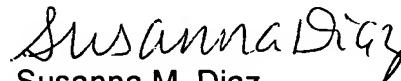
Nagai (JP 9-05099 A) – Discloses a travel route selection device.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Susanna M. Diaz
Primary Examiner
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June 25, 2007